

Translation

PATENT COOPERATION TREATY

PCT/EP2003/008842



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC 03 298 B	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/008842	International filing date (day/month/year) 08 August 2003 (08.08.2003)	Priority date (day/month/year) 22 October 2002 (22.10.2002)
International Patent Classification (IPC) or national classification and IPC E03C 1/086		
Applicant NEOPERL GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>19</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report  II <input type="checkbox"/> Priority  III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  IV <input type="checkbox"/> Lack of unity of invention  V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  VI <input type="checkbox"/> Certain documents cited  VII <input type="checkbox"/> Certain defects in the international application  VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 15 January 2004 (15.01.2004)	Date of completion of this report 16 March 2005 (16.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/008842

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages 1-13, filed with the letter of 01 December 2004 (01.12.2004)
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 1-14, filed with the letter of 01 December 2004 (01.12.2004)
- ☒ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages 1/3-3/3, filed with the letter of 01 December 2004 (01.12.2004)
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☒ the description, pages 14-22
- ☒ the claims, Nos. 15-26
- ☒ the drawings, sheets/fig 1/7, 2/7, 6/7, 7/7

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

- 1.1 The present examination report refers only to the main request, a possible examination of the auxiliary request cannot be carried out in the course of the PCT procedure but only during a subsequent regional phase.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	8	YES
	Claims	1-7, 9-14	NO
Inventive step (IS)	Claims	8	YES
	Claims	1-7, 9-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following documents:

D1: US-A-2002 007 94 71

D2: CH-A-380 042.

**1 INDEPENDENT CLAIM 1**

**1.1 Document D1 discloses (the reference signs and references relate to document D1):**

a sanitary outlet fitting 200 having a fluid guide which discharges into a fitting outlet (see figure 1) near which a sanitary functional unit in the form of an insertable cartridge (see paragraph [0019]) is provided, wherein at least in the area of the opening of the outlet fitting the inside diameter of the fluid guide is adapted to the insertable cartridge (see figures 1, 11 and 12) and the insertable cartridge can be inserted into the fitting outlet from the opening side and can be removably held therein (see paragraph [0032]), and wherein the insertable cartridge is radially sealed along the periphery relative to an intermediate support 110 (seal 9, see figure 2; paragraph [0024]):

"The sealing ring 9 is mounted at the recess 17 of the valve seat 1 ..." and/or the intermediate support is radially sealed relative to the inner peripheral side of the fitting outlet (see figure 11, the upper part of the thread 111 is a seal which is screwed into the fitting outlet and thereby radially seals the intermediate support relative to the side of the fitting).

Consequently, the present application does not meet the requirements of PCT Article 33(1), because the subject matter of two variants of claim 1 is not novel within the meaning of PCT Article 33(2).

2 INDEPENDENT CLAIM 14

- 2.1 Document D1 further discloses a sanitary functional unit designed to be housed in an outlet fitting according to claim 1.

Claim 14 is therefore likewise not novel (PCT Article 33(2)).

3 DEPENDENT CLAIMS

- 3.1 The following dependent claims contain no features, which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see the documents cited and the corresponding passages specified in the search report: D1, claim 2 (see figure 3: outlet 100, insertable cartridge 1), claims 3, 4, 5, 6, 7, 9 (engaging hook 16), claims 12 and 13 (see figure 11: upper part of the thread 111); D2: claims 10 and 11.

3.2 The combination of features in dependent claim 8 is not known from or suggested by the available prior art.

3.3 The reasons are as follows:

To obtain the claimed function of the seal, that is to say, not to create a friction fit when the insertable cartridge is inserted into the fitting, the seal must be disposed at the outflow end of the insertable cartridge. This is not possible with the insertable cartridge of document D1 because water would flow out of the connecting holes for the fingers 16. Moreover, a person skilled in the art would not provide the intermediate support in document D1 with a seal of this kind because the thread receives the entire part insertable into the outlet and a seal in this area would weaken the connection.

Consequently, a person skilled in the art would not modify the device according to document D1 so as to arrive at the device according to claim 8 without thereby being inventive.